

IDAHO BOARD OF ACUPUNCTURE
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 1/15/2016

BOARD MEMBERS PRESENT: Charles W Raymond - Chair
Sara C Rodgers
Naomi L Jankowitz-Brownson
Ethan S Fisher
Marlene Strong

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Deborah Sexton, Management Assistant
Erin Anderson, Technical Records Specialist I

The meeting was called to order at 1:04 PM MST by Charles W Raymond.

Ms. Rodgers made a motion to amend the agenda to add the review of the 10/23/2015 minutes due to an error found during preparation for this meeting. It was seconded by Ms. Jankowitz-Brownson. Motion carried.

APPROVAL OF MINUTES

Ms. Rodgers made a motion to approve the minutes of 10/23/2015 with noted corrections. It was seconded by Mr. Fisher. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that Mr. Toryanski presented the proposed rules to the House Health and Welfare Committee and the rules were approved. The Senate Committee will hear the proposed rules on January 28, 2016, at 3:00 PM and asked any available Board members to attend for any questions the Senators may have.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$118,113.80 as of 12/31/2015.

DISCIPLINE

Ms. Peel presented Stipulation and Consent Orders for cases ACU-2016-1 and ACU-2016-2. Mr. Fisher made a motion to approve the Consent Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Rodgers. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

OPEN MEETING LAW PRESENTATION

Mr. Toryanski reviewed the Open Meeting Law with the Board.

OLD BUSINESS

To Do List – The Board reviewed the to-do list. Ms. Cory informed the Board that she was still arranging the meeting between the Board Chairs of the Chiropractic, Physical Therapy and Acupuncture Boards.

The Bureau discussed with the Board changes to the Board's webpage under the link "Continuing Education" to make it more clear to licensees that the list of approved providers are not the only sources for CE courses.

NEW BUSINESS

ELECTION

Mr. Fisher made a motion to re-elect Mr. Raymond as Chair. It was seconded by Ms. Jankowitz-Brownson. Motion carried.

MINUTES CORRECTION

The Board was informed there had been an error in the previously approved July 10, 2015, minutes. An approved continuing education course title had been listed in the minutes as "Professional Development." The course title should have been listed as "Pharmacognosy Parts I, II and III."

Ms. Rodgers made a motion to amend the July 10, 2015, minutes to reflect that the correct name of the CE course is "Pharmacognosy Parts I, II and III" and to note the change in those minutes and in the minutes of this meeting. It was seconded by Ms. Jankowitz-Brownson. Motion carried.

CORRESPONDENCE

The Board reviewed correspondence submitted by Mr. James Campbell. Mr. Campbell is the president of the American Board of Chiropractic Acupuncture. He inquired of the Board if the education of a diplomate within his association would be adequate to become a certified acupuncturist in Idaho. Ms. Rodgers made a motion that Mr. Campbell and the diplomate be referred to Idaho Code 54-4707, specifically Idaho Code 54-4707(2)(b), and state that the Board reviews each applicant individually and that education and training are evaluated in the context of an application. It was seconded by Mr. Fisher. Motion carried.

CONTINUING EDUCATION CORRESPONDENCE AND RE-REVIEW

Mr. Lawrence Hicks submitted correspondence requesting the Board to reconsider its approval of the continuing education course "Pharmacognosy Parts I, II and III." In April of 2015, the Board minutes reflected that the Board moved to approve Pharmacognosy Part II only, for 18 hours of the submitted 54 hour class, and for Category II CE only. Mr. Hicks requested that the Board approve all three parts of the course, and approve the courses as Category II CE.

Ms. Anderson reminded the Board this was the CE course that had been posted to the web in April of 2015 as Category I CE, and at the July 2015 meeting, the Board had requested Ms. Anderson correct the web to reflect the correct CE category. The CE category was corrected to reflect that the CE course was approved for Category II CE, but Ms. Anderson failed to notify the CE provider of the changes at that time.

A letter was sent to Mr. Hicks in January of 2016 informing him of the error of the listing of his CE course as Category I, and that the information had since been updated on the website. This correspondence also informed Mr. Hicks that the Board would review his recently submitted correspondence and the CE course at the January 15, 2016, meeting. Mr. Hicks was told he could only award Category II CE for the course Pharmacognosy, Part II until he receives the Boards response in regard to the matter.

The Board discussed the original motion to approve the course from the April 2015 meeting. Mr. Fisher stated he thought that the original motion at the April meeting was to approve all three parts of the course, under Category II only, and only approve 6 hours per course, for a total 18 CE hours approved.

Ms. Jankowitz-Brownson made a motion to approve the CE course "Pharmacognosy Parts I, II and III," for Category II CE, and that only 6 hours are approved per course, to total 18 hours of Category II approved CE. Included in this motion is informing Mr. Hicks of the correct motion. It was seconded by Ms. Rodgers. Motion carried.

During a subsequent discussion the Board also stated that anyone who took the course "Pharmacognosy Parts I, II and III" in between April of 2015 and July of 2015 could be awarded 18 hours of Category I CE for part II only as that was the time frame it was incorrectly listed on the website.

EXECUTIVE SESSION

Mr. Fisher made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Rodgers. The vote was: Mr. Raymond, aye; Mr. Fisher, aye; Ms. Jankowitz-Brownson aye; Ms. Strong, aye; and Ms. Rodgers, aye. Motion carried.

Ms. Jankowitz-Brownson made a motion to come out of executive session. It was seconded by Mr. Fisher. The vote was: Mr. Raymond, aye; Mr. Fisher, aye; Ms. Jankowitz-Brownson aye; Ms. Strong, aye; and Ms. Rodgers, aye. Motion carried.

CONTINUING EDUCATION AUDITS AND REINSTATEMENTS

The Board members reviewed CE audits and gave Ms. Anderson direction to follow up on some audits.

APPLICATIONS

Ms. Jankowitz-Brownson made a motion to table the following continuing education application pending additional information:

#11547

It was seconded by Mr. Rodgers. Motion carried.

Ms. Rodgers made a motion to grant a continuing education waiver for applicant # 901102769 for 2013 and 2014. It was seconded by Mr. Fisher. Motion carried.

Mr. Rodgers made a motion to send a letter informing applicant #901102769 they need five more hours of continuing education prior to their 2016 renewal. The Board also directed that the letter inform them of the inactive license status and that if they are unable to meet the continuing education for this renewal cycle, they could consider going on inactive status until they are able to meet the CE requirements. It was seconded by Mr. Fisher. Motion carried.

Ms. Rodgers made a motion to approve Li Yu for licensure. It was seconded by Mr. Fisher. Motion carried.

NEXT MEETING was scheduled for April 29, 2016 at 1:00 PM.

ADJOURNMENT

Ms. Jankowitz-Brownson made a motion to adjourn the meeting at 4:30 PM. It was seconded by Ms. Rodgers. Motion carried.

Charles W Raymond, Chair

Sara C Rodgers

Naomi L Jankowitz-Brownson

Ethan S Fisher

Tana Cory, Bureau Chief